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 Caterpillar Financial Services Corporation

UNITED STATES BANKRUPTCY COURT  
 EASTERN DISTRICT OF CALIFORNIA  
 (BAKERSFIELD DIVISION)

In re

Chapter 7 Case No. 15-11835

DCN: PWG-2

JAMES FLOYD CANNON and  
 JAMIE DARLENE CANNON,

EXHIBIT "A" TO THE DECLARATION  
 OF STEPHANIE FLOYD IN SUPPORT OF  
 OPPOSITION OF CATERPILLAR  
 FINANCIAL SERVICES CORPORATION  
 TO MOTION TO AVOID LIEN

Debtors.

Date: April 3, 2019  
 Time: 9:45 a.m.  
 Judge: Hon. Fredrick E. Clement  
 Location: 510 – 19<sup>th</sup> Street, Bakersfield, CA

| Exhibit | Title                            | Pages |
|---------|----------------------------------|-------|
| A       | Judgment entered on July 7, 2017 | 2-4   |

**EXHIBIT “A”**

JUD-100

|   |  |   |
|---|--|---|
| ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, state bar number, and address):<br>Mark D. Poniatowski, Esq. (#123405)<br>Kimberly F. Leding (#233618); Meera T. Parikh, Esq. (#217996)<br>PONIATOWSKI LEDING PARIKH PC<br>20980 Redwood Road, Suite 200, Castro Valley CA 94546<br>TELEPHONE NO.: (510) 881-8700 FAX NO. (Optional): (510) 881-8702<br>E-MAIL ADDRESS (Optional):<br>ATTORNEY FOR (Name): <u>Plaintiff Caterpillar Financial Service Corporation</u> |  | FOR COURT USE ONLY<br><br><b>CONFORMED COPY</b><br>OF ORIGINAL FILED<br>Los Angeles Superior Court<br><br>JUL - 7 2017<br><br>Sherri R. Cannon, Executive Officer/Clerk<br>BY <u>Cathy Brown</u> , Deputy |
| SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES<br>STREET ADDRESS: 600 E. Broadway<br>MAILING ADDRESS:<br>CITY AND ZIP CODE: Glendale, CA 92106<br>BRANCH NAME: <u>NORTH CENTRAL - GLENDALE</u>   |  |   |
| PLAINTIFF: <u>CATERPILLAR FINANCIAL SERVICES CORPORATION</u><br><br>DEFENDANT: Jimmy Cannon, an individual dba J&J Clean Up Service; et al.   |  |   |
| <b>JUDGMENT</b><br><input type="checkbox"/> By Clerk <input checked="" type="checkbox"/> By Default <input type="checkbox"/> After Court Trial<br><input checked="" type="checkbox"/> By Court <input type="checkbox"/> On Stipulation <input type="checkbox"/> Defendant Did Not Appear at Trial   |  | CASE NUMBER:<br><br>EC063177  |

## JUDGMENT

1. ☒ **BY DEFAULT**
- Defendant was properly served with a copy of the summons and complaint.
  - Defendant failed to answer the complaint or appear and defend the action within the time allowed by law.
  - Defendant's default was entered by the clerk upon plaintiff's application.
  - ☐ **Clerk's Judgment** (Code Civ. Proc., § 585(a)). Defendant was sued only on a contract or judgment of a court of this state for the recovery of money.
  - ☒ **Court Judgment** (Code Civ. Proc., § 585(b)). The court considered
    - ☐ plaintiff's testimony and other evidence.
    - ☒ plaintiff's written declaration (Code Civ. Proc., § 585(d)).
2. ☐ **ON STIPULATION**
- Plaintiff and defendant agreed (stipulated) that a judgment be entered in this case. The court approved the stipulated judgment and
  - ☐ the signed written stipulation was filed in the case.
  - ☐ the stipulation was stated in open court    ☐ the stipulation was stated on the record.
3. ☐ **AFTER COURT TRIAL.** The jury was waived. The court considered the evidence.
- The case was tried on (date and time):  
before (name of judicial officer):
  - Appearances by:
 

|  |  |
|--|--|
| <input type="checkbox"/> Plaintiff (name each):      | <input type="checkbox"/> Plaintiff's attorney (name each): |
| (1)  | (1)  |
| (2)  | (2)  |
| <input type="checkbox"/> Continued on Attachment 3b. |  |
| <input type="checkbox"/> Defendant (name each):      | <input type="checkbox"/> Defendant's attorney (name each): |
| (1)  | (1)  |
| (2)  | (2)  |
| <input type="checkbox"/> Continued on Attachment 3b. |  |
  - ☐ Defendant did not appear at trial. Defendant was properly served with notice of trial.
  - ☐ A statement of decision (Code Civ. Proc., § 632) ☐ was not ☐ was requested.

|  |                          |
|--|--------------------------|
| PLAINTIFF: CATERPILLAR FINANCIAL SERVICES CORPORATION<br>DEFENDANT: Jimmy Cannon, an individual dba J&J Clean Up Service; et al. | CASE NUMBER:<br>EC063177 |
|--|--------------------------|

JUDGMENT IS ENTERED AS FOLLOWS BY: ☒ THE COURT ☐ THE CLERK

4. ☐ **Stipulated Judgment.** Judgment is entered according to the stipulation of the parties.

5. **Parties.** Judgment is

- a. ☒ for plaintiff (name each):  
 CATERPILLAR FINANCIAL SERVICES CORPORATION, a  
 Delaware corporation  
 and against defendant (names):  
 JAMES FLOYD CANNON, an individual dba J&J CLEAN UP  
 SERVICE  
☐ Continued on Attachment 5a.
- c. ☐ for cross-complainant (name each):  
 and against cross-defendant (name each):  
☐ Continued on Attachment 5c.
- b. ☐ for defendant (name each):
- d. ☐ for cross-defendant (name each):

6. **Amount.**

- a. ☐ Defendant named in item 5a above must pay plaintiff on the complaint:
- c. ☐ Cross-defendant named in item 5c above must pay cross-complainant on the cross-complaint:

|   |   |    |           |
|---|---|----|-----------|
| (1) <input checked="" type="checkbox"/> | Damages   | \$ | 57,577.99 |
| (2) <input checked="" type="checkbox"/> | Prejudgment interest at the annual rate of 7.65 % | \$ | 11,481.12 |
| (3) <input checked="" type="checkbox"/> | Attorney fees                                     | \$ | 2,041.56  |
| (4) <input checked="" type="checkbox"/> | Costs   | \$ | 639.00    |
| (5) <input type="checkbox"/>            | Other (specify):                                  | \$ |           |
| (6)                                     | <b>TOTAL</b>                                      | \$ | 71,739.67 |

|                              |  |    |      |
|------------------------------|--|----|------|
| (1) <input type="checkbox"/> | Damages                                      | \$ |      |
| (2) <input type="checkbox"/> | Prejudgment interest at the annual rate of % | \$ |      |
| (3) <input type="checkbox"/> | Attorney fees                                | \$ |      |
| (4) <input type="checkbox"/> | Costs  | \$ |      |
| (5) <input type="checkbox"/> | Other (specify):                             | \$ |      |
| (6)                          | <b>TOTAL</b>                                 | \$ | 0.00 |

- b. ☐ Plaintiff to receive nothing from defendant named in item 5b.  
☐ Defendant named in item 5b to recover costs \$  
☐ and attorney fees \$
- d. ☐ Cross-complainant to receive nothing from cross-defendant named in item 5d.  
☐ Cross-defendant named in item 5d to recover costs \$  
☐ and attorney fees \$

7. ☒ **Other (specify):** The Judgment shall earn interest at the legal rate and Plaintiff shall be entitled to recover attorney's fee and costs incurred enforcing the Judgment.

Date: JUL 7 2017

☒ **LAURA A. MATZ, JUDGE**  
 JUDICIAL OFFICER

Date: ☐ Clerk, by \_\_\_\_\_, Deputy

**CLERK'S CERTIFICATE (Optional)**

I certify that this is a true copy of the original judgment on file in the court.

Date:

Clerk, by \_\_\_\_\_, Deputy